

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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Nos. 06-3090, 06-3091,  
06-3092, 06-3093, 06-3094, 06-3095

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MR. DARRELL COMBS; MRS. KATHLEEN COMBS  
Appellants at No. 06-3090

v.

HOMER-CENTER SCHOOL DISTRICT;  
JOSEPH F. MARCOLINE, in his official capacity as  
Superintendent of Homer-Center School District;  
TITUSVILLE AREA SCHOOL DISTRICT;  
BRISTOL TOWNSHIP SCHOOL DISTRICT;  
FRANKLIN REGIONAL SCHOOL DISTRICT  
(D.C. Civil Action No. 04-cv-1599)

DR. THOMAS PREVISH; TIMARI PREVISH  
Appellants at No. 06-3091

v.

NORWIN SCHOOL DISTRICT;  
RICHARD WATSON, in his official capacity as  
Superintendent of Norwin School District  
(D.C. Civil Action No. 04-cv-1670)

DR. MARK NEWBORN; MRS. MARYALICE NEWBORN  
Appellants at No. 06-3092

v.

FRANKLIN REGIONAL SCHOOL DISTRICT;  
STEPHEN VAK, in his official capacity as  
Superintendent of Franklin Regional School District  
(D.C. Civil Action 04-cv-1932)

MR. THOMAS HANKIN; MRS. BABETTE HANKIN  
Appellants at No. 06-3093

v.

BRISTOL TOWNSHIP SCHOOL DISTRICT;  
REGINA CESARIO, in her official capacity as  
Superintendent of Bristol Township School District  
(D.C. Civil Action 04-cv-1936)

MR. DOUGLAS NELSON; MRS. SHARI NELSON  
Appellants at No. 06-3094

v.

TITUSVILLE AREA SCHOOL DISTRICT;  
JOHN D. REAGLE, in his official capacity as  
Acting Superintendent of Titusville Area School District  
(D.C. Civil Action 05-cv-0070)

REV. STEVEN WEBER; MRS. MEG WEBER  
Appellants at No. 06-3095

v.

DuBOIS AREA SCHOOL DISTRICT;  
SHARON KIRK, in her official capacity as  
Superintendent of DuBois Area School District  
(D.C. Civil Action 05-cv-0203)

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On Appeal from the United States District Court  
for the Western District of Pennsylvania  
(Honorable Arthur J. Schwab)

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Argued November 6, 2007

Before: SCIRICA, *Chief Judge*, AMBRO and JORDAN, *Circuit Judges*.

### JUDGMENT

This cause came to be heard on the record from the United States District Court for the Western District of Pennsylvania and was argued by counsel on November 6, 2007.

On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the order of the District Court entered May 25, 2006, be, and the same is hereby affirmed in part, vacated in part and the case remanded for proceedings consistent with this opinion. Each party to bear their own costs. All of the above in accordance with the opinion of this Court.

ATTEST:

Marcia M. Waldron

Clerk

DATED: August 21, 2008

The seal of the United States Court of Appeals for the Third Circuit is circular. It features an eagle with spread wings perched on a shield. The shield is divided into sections, with a constellation of stars in the upper left. The words "UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT" are inscribed around the perimeter of the seal.  
Certified ~~as a true copy~~ and issued in lieu  
of a formal mandate on 09/12/2008

Teste: Marcia M. Waldron

Clerk, U.S. Court of Appeals for the Third Circuit